



C O N C O R D I A U N I V E R S I T Y

800 North Columbia Avenue
Seward, Nebraska 68434-1599

December 22, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW Room TW-A325
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands* – WT Docket No. 03-66 – **WRITTEN EX PARTE COMMUNICATION**

Dear Ms. Dortch:

On behalf of Concordia University, I am writing to urge the FCC not to impose a term limit on Educational Broadcast Service ("EBS") leases.

Concordia University is the licensee of EBS station WNC616 in Lincoln, Nebraska. Since the Commission moved earlier this year from its former EBS leasing rules to those adopted in the *Secondary Markets* proceeding (thereby eliminating the former fifteen year maximum EBS excess capacity lease term), we have negotiated and entered into a new *de facto* transfer lease that extends beyond fifteen years. During the course of our negotiations, we had the option to negotiate a lease term of fifteen years or less. However, our lessee offered to pay substantially more monthly for a longer lease than they were willing to pay for a shorter duration lease, which is hardly surprising given that a long-term lease provides our lessee with greater certainty and renders our leased EBS spectrum more comparable to spectrum in other bands that our lessee could acquire in its own name. We took advantage of that opportunity. We believe that by leasing for longer than fifteen years, we have substantially advanced our educational mission. Our leasing agreement assures us access to sufficient spectrum to meet our anticipated needs during this time, while the larger financial payments we realized by entering into a long-term lease will reap significant educational benefits for our students. Thus, for us and for our lessee, the Commission's decision to permit leasing for greater than fifteen years yielded a "win-win" opportunity.

Certainly, not all EBS licensees will be in the same position, and the FCC should afford all EBS licensees the option of leasing for fifteen years or even less. However, it is the local EBS licensee that is best able to balance the costs and benefits of leasing excess capacity for more than fifteen years. Thus we urge the Commission, if it decides to depart from the *Secondary Markets* rules, to afford those EBS licensees and lessees who so desire the flexibility to lease EBS excess capacity for terms in excess of fifteen years.

Respectfully submitted,

David L. Kumm
VP for Finance, Operations & Planning/Chief Financial Officer